

# PUBLIC NOTICE

Notice to Water Users  
(Pursuant to Section 85-2-307, MCA)

The following application has been submitted to appropriate water in the State of Montana.

THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION PROPOSES TO GRANT AN APPLICATION FOR BENEFICIAL WATER USE PERMIT. DESCRIBED BELOW ARE THE PERTINENT FACTS WHICH SUMMARIZE THE APPLICATION. THE PRELIMINARY DETERMINATION (PD) DOCUMENTING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ANY CONDITIONS ATTACHED TO THE WATER RIGHT ARE AVAILABLE ON THE INTERNET AT <http://www.dnrc.mt.gov/wrd/>.

**OBJECTION DEADLINE: JULY 17, 2015.** THE DEPARTMENT CAN ONLY ACCEPT OBJECTIONS FILED ON AN OBJECTION TO APPLICATION, FORM 611. MAIL THE COMPLETED FORM AND THE \$25.00 FILING FEE TO THE DNRC, PO BOX 201601, HELENA, MT 59620-1601 BY THE DEADLINE SPECIFIED. THE FORM IS AVAILABLE ON THE DEPARTMENT'S WEBSITE.

DIRECT ANY QUESTIONS PERTAINING TO THE APPLICATION, TO OBTAIN THE PD OR OBJECTION FORM TO THE WATER RESOURCES OFFICE AT 655 TIMBERWOLF PARKWAY, SUITE 4, KALISPELL, MT 59901-2387, PHONE: 406-752-2288, FAX: 406-752-2843.

IF ISSUED, THE RIGHT WILL BE SUBJECT TO PRIOR EXISTING WATER RIGHTS.

**Application Number:** 76K 30068084

**Owners:** DEAN A ZIEHL  
10100 SANTA MONICA BLVD  
LOS ANGELES, CA 90067 4003

NANCY A ZIEHL  
10100 SANTA MONICA BLVD  
LOS ANGELES, CA 90067 4003

**Priority Date:** AUGUST 5, 2014 at 03:55 P.M.

**Purpose (use):** IRRIGATION  
RECREATION

**Maximum Flow Rate:** 470.00 GPM

**Maximum Volume:** 444.48 AC-FT

**Maximum Acres:** 2.98

**Source Name:** SWAN RIVER

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		S2SE	33	27N	19W	FLATHEAD

**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** ELECTRIC PUMP

**Reservoir:** OFF STREAM    **Reservoir Name** POND 1

	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		S2SE	33	27N	19W	FLATHEAD

**Depth:** 7.00 FEET

**Surface Area:** 0.04 ACRES

**Current Capacity:** 0.15 ACRE-FEET

**Reservoir:** OFF STREAM    **Reservoir Name** POND 2

	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		S2SE	33	27N	19W	FLATHEAD

**Depth:** 7.00 FEET

**Surface Area:** 0.05 ACRES

**Current Capacity:** 0.18 ACRE-FEET

**Purpose (Use):** IRRIGATION  
**Irrigation Type:** SPRINKLER  
**Volume:** 6.41 AC-FT  
**Period of Use:** APRIL 15 to OCTOBER 15

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	2.98		S2SENW	33	27N	19W	FLATHEAD
<b>Total:</b>		2.98					

**Purpose (Use):** RECREATION  
**Volume:** 438.07 AC-FT  
**Period of Use:** APRIL 1 to OCTOBER 31

**Purpose Clarification:** FLOW THROUGH PONDS

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S2SENW	33	27N	19W	FLATHEAD

**Remarks:**

**CLARK FORK RIVER BASIN LAW**

THIS PROVISIONAL WATER USE PERMIT HAS A PRIORITY DATE THAT IS JUNIOR TO THE RIGHTS OF SENIOR WATER RIGHT HOLDERS IN THE CLARK FORK RIVER BASIN. IN ACCORDANCE WITH MONTANA LAW, YOU MAY BE SUBJECT TO A CALL BY SENIOR WATER RIGHT HOLDERS, IN WHICH CASE YOU MAY BE REQUIRED TO DISCONTINUE YOUR USE OF WATER FOR THE PERIOD OF THE CALL.

**CONFEDERATED SALISH AND KOOTENAI TRIBES - RESERVED WATER RIGHTS**

THIS RIGHT IS SUBJECT TO ALL PRIOR INDIAN RESERVED WATER RIGHTS OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES IN THE SOURCE OF SUPPLY. IT IS THE TRIBE'S POSITION THAT THE EXERCISE OF JUNIOR WATER RIGHTS EITHER WITHIN OR OUTSIDE OF THE EXTERIOR BOUNDARIES OF THE FLATHEAD INDIAN RESERVATION MAY AFFECT THE RESERVED WATER RIGHTS OF THE TRIBE WITHIN THE EXTERIOR BOUNDARIES OF THE RESERVATION. IT IS THE TRIBE'S POSITION THAT ECONOMIC INVESTMENTS MADE IN RELIANCE UPON THIS RIGHT DO NOT CREATE IN THE APPROPRIATOR ANY EQUITY OR VESTED RIGHT AGAINST THE TRIBES. THE APPROPRIATOR IS HEREBY NOTIFIED THAT ANY FINANCIAL OUTLAY OR WORK INVESTED IN A PROJECT PURSUANT TO THIS RIGHT IS AT APPROPRIATOR'S RISK. THE ISSUANCE OF THIS RIGHT DOES NOT REDUCE THE APPROPRIATOR'S LIABILITY FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. IT DOES NOT MAKE THE DEPARTMENT LIABLE FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. NOR IS THE DEPARTMENT LIABLE FOR ANY LOSS TO THE APPROPRIATOR CAUSED BY THE EXERCISE OF SENIOR RESERVED WATER RIGHTS.

**IMPORTANT INFORMATION**

PERIOD OF USE RESTRICTION CONDITION:  
WATER MAY NOT BE APPROPRIATED WHEN THE FLOW RATE AT USGS GAUGING STATION NO.12370000 (SWAN RIVER NEAR BIG FORK) DROPS BELOW 686.1 CFS IN THE MONTHS OF AUGUST AND SEPTEMBER AND 682.1 CFS IN OCTOBER. DURING SUCH TIMES AS THE FLOW RATE REPORTED FOR THE SWAN RIVER DROPS BELOW THESE TRIGGER POINTS, THE 15 HP PUMP WILL BE REMOVED FROM THE SWAN RIVER AND RELOCATED TO THE LOWER POND TO RECIRCULATE REMAINING WATER LEFT IN THE SYSTEM. THE FLOWS AT THE AFOREMENTIONED USGS GAUGING STATIONS MUST BE CHECKED DAILY. THE CURRENT INTERNET SITE IS [HTTP://WATERDATA.USGS.GOV/MT/NWIS/RT?](http://waterdata.usgs.gov/mt/nwis/rt?)

**WATER MEASUREMENT INFORMATION**

THE APPROPRIATOR SHALL KEEP A WRITTEN MONTHLY RECORD ON A FORM PROVIDED BY THE DEPARTMENT OF THE FLOW RATE AND VOLUME OF ALL WATER DIVERTED, INCLUDING THE PERIOD OF TIME. RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR UNTIL THE BENEFICIAL WATER USE PERMIT IS PERFECTED AND THE DEPARTMENT RECEIVES A PROJECT COMPLETION NOTICE. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SENT TO THE WATER RESOURCES REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE AND VOLUME ACCURATELY.

**PUBLISHED IN:** BIGFORK EAGLE ON JUNE 3, 2015.